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EXAMINER

ANDERSON, MICHAEL D

ART UNIT	PAPER NUMBER
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2433

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary	Application No. 10/501,858	Applicant(s) LECOMTE, DANIEL	
	Examiner MICHAEL ANDERSON	Art Unit 2433	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Pending claims for consideration are newly added claims 69-81. Applicant has cancelled claims 35-68.

Response to Arguments

2. Applicant's arguments are moot in view of the fact that the arguments relate to cancelled claims 35-68. Please see below for new 103 rejection of applicant's newly added claims 69-81.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 69-81** are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No.: US 6,529,550 B2 to Tahara et al (hereafter referenced as Tahara) in view of Patent No.: US 6,829,301 B1 to Tinker et al (hereafter referenced as Tinker).

Regarding **claim 69**, Tahara discloses "A method of distributing video sequences in a coded stream including a succession of frames each comprising at least one Intra-frame coded image (I picture) and at least one Prediction coded

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image corresponding to differences between one digital image excluding said I picture and at least one other digital image comprising: analyzing an original coded stream prior to transmission to an input/output device of a client and generating a first modified stream and a second stream”(***bi-directionally predictive coding system utilizing I-picture and P-Picture [Col.3/lines 39-54 also see abstract]***), “wherein said first modified stream includes a modified Prediction coded image”(***predictive frame mode [Col.18/lines 35-37] also see Frame_pred_frame_det [Fig.16]***), “which is modified from said at least one Prediction coded image so that a resulting video sequence is visually altered” (***first and second streams are changed/altered in accordance with the extracted parameters [Abstract]***), “and an I picture, which is not modified” (***bi-directionally predictive coding system utilizing I-picture and P-Picture [Col.3/lines 39-54 also see abstract]***), “said first modified stream maintaining an encoding system applied to said original coded stream after said modification”(***MPEG encoder block modifies first and second transmission data in accordance with the pattern of video data also see encoder controller block[Fig.8/item 35]***), “and said second stream including digital information that allows a reconstruction from said modified Prediction coded image” (***MPEG encoder block modifies first and second transmission data in accordance with the pattern of video data also see encoder controller block[Fig.8/item 35]***) ; “separately transmitting the two generated streams from a server to a destination device” (***stream server receives separate streams from 3 channels supplied and transmitted from an encoder block***

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[Col.11/lines 7-13]) ; Tahara does not explicitly disclose “and synthesizing said first modified stream and said second stream at the destination device and reconstructing said original coded stream.” However, Tinker in an analogous art discloses a method and apparatus which RGB signals are compressed/multiplexed, encrypted, transported, decrypted, decompressed, and the reconstructed information/data streams are presented in original format as transmitted (**see Tinker [abstract] also see Tinker [Fig.2] which shows R, G, B (signals 1, 2, and 3) being transmitted utilizing the above method).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tahara’s coded stream splicing device with an a method and apparatus which RGB signals are compressed/multiplexed, encrypted, transported, decrypted, decompressed, and the reconstructed information/data streams are presented in original format as transmitted in order to provide additional security as suggested by Tinker (**see Tinker[abstract] also see Tinker[Fig.2] which shows R,G,B(signals 1, 2, and 3) being transmitted utilizing the above method).**

Regarding **claim 70** in view of claim 69, the references combined disclose “wherein said Prediction coded image is an interframe Prediction coded image and/or a bidirectional Prediction coded image calculated by motion compensation for the interframe Prediction coded image or the I picture” (**bi-directionally predictive coding system utilizing I-picture and P-Picture Tahara[Col.3/lines 39-54 also see abstract]**).

Regarding **claim 71** in view of claim 69, the references combined

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disclose “wherein said second stream includes a pre-modification image that corresponds to the modified Prediction coded lineage in said first modified stream” (***first encoded stream parameters are referenced when encoding second stream Tahara[Abstract]***) ; “and at said destination device, the modified Prediction coded image in said first modified stream is replaced with the corresponding image in said second stream in the synthesis of reconstructing said original coded stream”, ***i.e. when signal reaches device, modified image is reconstructed back to original state (stream server receives separate streams from 3 channels supplied and transmitted from an encoder block Tahara[Col.11/lines 7-13] and reproduces the streams).***

Regarding **claim 72** in view of claim 69, the references combined disclose “wherein said modified Prediction coded image is a replacement P picture that is different from, but has the same data volume as, and replaces a first P picture following the I picture”, ***i.e. p-image is different from replacement picture, but carries same data (original coded stream ST_{OLD} and substitute stream ST_{NEW} are individually coded by their respective video encoders however the data occupancy quantity level are the same in order to prevent discontinuity Tahara[Col.4/lines 43-63])***

Regarding **claim 73** in view of claim 69, the references combined disclose “wherein said modified Prediction coded image is a modified Prediction coded image whose modification is done by replacing an n-th interframe Prediction coded image (P picture) following the I picture with a first bidirectional Prediction coded image (B picture) following the P picture” (***bi-directionally predictive***

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coding system utilizing I-picture and P-Picture and B-picture

Tahara[Col.3/lines 39-54 also see abstract]).

Regarding **claim 74** in view of claim 69, the references combined disclose “wherein said second stream is distributed via any of a switched telephone network (analog or digital) and a mobile telephone network with GSM, GPRS or UMTS”(***Satellite transmission system Tahara[Fig.1]).***

Regarding **claim 75** in view of claim 69, the references combined disclose “wherein said first modified stream is a stream that can be decoded by a decoder that is itself based on an MPEG standard or is compliant with an MPEG standard”(b*digital transmission system utilizing the MPEG standard Tahara[Fig.3] also see Col.2/lines20-24)).*

Regarding **claim 76** in view of claim 69, the references combined disclose “wherein said coded stream is a stream that is encoded in an MPEG standard or is encoded by a method compliant with an MPEG standard” (***digital transmission system utilizing the MPEG standard Tahara[Fig.3] also see Col.2/lines20-24))***.; “said Intra-frame coded image is equivalent to I picture in the MPEG standard; and said Prediction coded image is equivalent to P picture or B picture in the MPEG standard.”(***data quantity streams are coded in accordance with the MPEG standard utilizing I-picture, P-picture, or B-picture Tahara [Col.13/lines15-22]).***

Regarding **claim 77** in view of claim 69, the references combined disclose “wherein said first modified stream includes a modified P block that constitutes

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part of the interframe Prediction coded image (P picture)” (***predictive frame mode [Col.18/lines 35-37] also see Frame_pred_frame_det [Fig.16]***),

Regarding **claim 78**, Tahara discloses “A video-stream generating system that generates a video stream as a coded stream including a succession of frames each comprising at least one Intraframe coded image (I picture) and at least one Prediction coded image corresponding to differences between one digital image excluding said I picture and at least one other digital image” (***bi-directionally predictive coding system utilizing I-picture and P-Picture [Col.3/lines 39-54 also see abstract]***), “comprising: at least one multimedia server which contains original video sequences; and an analyzing device that analyzes the video stream originating from an input/output server”(***material server stores video and audio data Tahara[Col.10/lines 49-57]***), “said analyzing device detecting said Prediction coded image in said video stream and generating two streams”(***stream analysis circuit analyzes coded stream TaharaCol.31[lines33-41 and de-multiplexer generates transport streams of each channel Tahara[Col.10/lines 40-45]***), “one of which is a first modified stream and the other of which is a second stream” ***first and second streams are changed/alterd in accordance with the extracted parameters [Abstract]***); “wherein said first modified stream includes a modified Prediction coded image” (***predictive frame mode [Col.18/lines 35-37] also see Frame_pred_frame_det [Fig.16]***), “which is modified from said at least one detected Prediction coded image so that a resulting video sequence is visually altered” (***first and second streams are changed/alterd in accordance with***

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the extracted parameters [Abstract], “and an I picture, which is not modified”
(bi-directionally predictive coding system utilizing I-picture and P-Picture [Col.3/lines 39-54 also see abstract]), “said first modified stream maintaining an encoding system applied to said original coded stream after said modification”
(MPEG encoder block modifies first and second transmission data in accordance with the pattern of video data also see encoder controller block[Fig.8/item 35]); “said second stream including digital information that allows reconstruction from said modified Prediction coded image” ***(MPEG encoder block modifies first and second transmission data in accordance with the pattern of video data also see encoder controller block[Fig.8/item 35])***; Tahara does not explicitly disclose “and said video-stream generating system, in response to a request from a user, provides said first modified stream and transmits said second stream.” However, Tinker in an analogous art discloses an enhanced MPEG information distribution apparatus and method which signals are compressed/multiplexed, encrypted, transported, decrypted, decompressed, and the reconstructed information/data streams are presented in original format as transmitted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tahara’s coded stream splicing device with an enhanced MPEG information distribution apparatus and method which signals are compressed/multiplexed, encrypted, transported, decrypted, decompressed, and the reconstructed information/data streams are presented in original format as transmitted in order to provide additional security as suggested

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by Tinker (***see Tinker[abstract] also see Tinker[Fig.2] which shows R,G,B(signals 1, 2, and 3) being transmitted utilizing the above method).***

Regarding **claim 79** in view of claim 78, the references combined disclose “further comprising a memory that records a “private copy” marker indicating for each user a right to each video content” (***anti-theft unit with watermarking Tinker[Col.6/lines 3-9]***); “wherein said right of each user includes a right to watch a private copy of a video content an unlimited number of times, a right to watch the private copy a limited number of times with an indication of the number, or a right prohibiting private copying” (***anti theft unit utilizes encryption which prevents unauthorized viewing Tinker[Col.6/lines 23-29]***) ; “said video-stream generating system, in response to a request from a user for privately copying a specific video content” (***see Encryption and antitheft unit Tinker[Fig.1/item22]***) , “providing said first modified stream to said user; and said video-stream generating system” (***Tinker[Fig.2] which shows R,G,B(signals 1, 2, and 3) being transmitted***, “in response to a request from said user for watching said private copy of the video content, transmitting said second stream to said user after confirming the right to the video content” (***anti theft unit utilizes encryption which prevents unauthorized viewing Tinker[Col.6/lines 23-29]***).

Regarding **claim 80**, Tahara discloses “A video-stream playing device for playing a video stream as a coded stream including a succession of frames each comprising at least one Intra-frame coded image (I picture) and at least one Prediction coded image corresponding to differences between one digital image

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excluding said I picture and at least one other digital image” (***bi-directionally predictive coding system utilizing I-picture and P-Picture [Col.3/lines 39-54 also see abstract]***), “comprising: a stream decoder which decodes said coded stream”(***MPEG video decoder Col.7/lines 21-24]***) ; “at least one recording interface which stores content of a first modified stream including a modified Prediction coded image”(b*ultiplexer unit stores modified streams and transmit information to be de-muxed at receiving point Tahara[Fig.3]*) ; Tahara does not explicitly disclose “which has been modified from said at least one Prediction coded image so that a resulting video sequence is visually altered”, and an I picture, which is not modified, said first modified stream maintaining an encoding system applied to said original coded stream after said modification; at least one display interface; and a synthesizing unit that detects said modified Prediction coded image in said first modified stream and reconstructs the original coded steam from said first modified stream and a second stream that includes the Prediction coded image, which is not modified.” However, Tinker in an analogous art discloses a method and apparatus which RGB signals are compressed/multiplexed, encrypted, transported, decrypted, decompressed, and the reconstructed information/data streams are presented in original format as transmitted utilizing a presentation unit as shown in Tinker [Fig.1] (***see Tinker [abstract] also see Tinker [Fig.2] which shows R, G, B (signals 1, 2, and 3) being transmitted utilizing the above method).***

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tahara’s coded stream splicing device

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with an a method and apparatus which RGB signals are compressed/multiplexed, encrypted, transported, decrypted, decompressed, and the reconstructed information/data streams are presented in original format as transmitted utilizing a presentation unit as shown in Tinker[Fig.1] in order to provide additional security as suggested by Tinker (***see Tinker[abstract] also see Tinker[Fig.2] which shows R,G,B(signals 1, 2, and 3) being transmitted utilizing the above method).***

Regarding **claim 81** in view of claim 80, the references combined disclose “wherein said synthesizing unit further comprises a memory device for temporarily storing said second stream”(***multiplexer unit stores modified streams and transmit information to be de-muxed at receiving point Tahara[Fig.3]***); “and said second stream stored temporarily in said memory device is deleted after the original coded stream is reconstructed from said second stream and said first modified stream, which is stored in said recording interface”(***information is de-muxed and stored at receiving point Tahara [Fig.3]***).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ANDERSON whose telephone number is (571)270-5159. The examiner can normally be reached on Monday-Friday 8am til 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu-oanh(Krista) T. Bui can be reached on (571)272-7291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/
Primary Examiner, Art Unit 2433

MICHAEL ANDERSON
Examiner, Art Unit 2433